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July 29, 2008

VIA FAX (212) 805-6724

Hon. Frank Maas, USMJ  
United States District Court for  
The Southern District of New York  
500 Pearl Street  
New York, New York 10007-1581

Re: Darby v. Gitkind  
07 Civ. 10645 (DLC)(FM)

*The conference is  
adjourned to 9/3/08 at  
2 pm.  
Maas, USMJ,  
7/29/08*

Dear Judge Mass:

I begin with a profuse apology to the Court for not having made this request for an adjournment of tomorrow's settlement conference earlier. My client had advised me a few weeks ago that he would be out of the country on vacation and I had asked my assistant to make a request for a short (two week) adjournment at that time. Unfortunately I did not realize until this morning when I checked my telephone messages that the Court had called and that the request had not been made.

I personally am willing to appear at the conference but I believe that the conference would be more likely to be productive if my client (the plaintiff) is present. I have called my adversary (with whom I have an excellent working relationship) and asked for his consent to an adjournment but I am told he is in Court. I assume he will consent, but I cannot make any representations until he calls me back.

Once again, I apologize profusely. The mistake was solely mine.

Respectfully submitted,

  
Thomas S. Doerr

cc: Roger Kunkis, Esq.  
(via fax: 212 564-2841)

USDC SDNY
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